

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

DEBRA FIFIELD,)	
Petitioner,)	
)	
v.)	Civil No. 8-143-P-H
)	Crim. No. 05-97-P-H
UNITED STATES OF AMERICA.)	
)	
Respondent.)	

ORDER TO ANSWER

Debra Fifield, who is serving a 48-month sentence, presently at the Federal Correctional Institute, Danbury, Connecticut, located in a state in the Second Circuit, has filed with this Court a 28 U.S.C. § 2255 motion to vacate, set aside, or correct her sentence.

The Court having reviewed the file in this matter, hereby ORDERS the United States Attorney to file an answer or otherwise respond to the motion (including responding by way of motion to dismiss or any other form of response) no later than June 6, 2008, and the petitioner will then have 11 days thereafter to file her reply. No further pleadings will be allowed on this petition absent further order of this court. I particularly direct the parties' attention to Levine v. Apker, 455 F.3d 71, 77 n.2 (2nd Cir. 2006) (collecting cases in the Second Circuit determining this sort of challenge to be a conditions of confinement challenge brought pursuant to 28 U.S.C. § 2241 in the jurisdiction where the prisoner is confined, with the Bureau of Prisons/warden as the respondent) and Muniz v. Sabol, 517 D.3d 29 (1st Cir. 2008).

So Ordered.

May 8, 2008

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge